

Message Text

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PAGE 01 PARIS 17482 181358Z

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOT-00 INR-11 NSAE-00 RSC-01 FAA-00 L-03 SSO-00

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 0932

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E.O. 11652: N/A

TAGS: ETRN, FR

SUBJECT: CIVAIR: PART CHARTERS

SUMMARY -- TIA CLAIMS CAB HAS AUTHORIZED TRANSPORT OF TIA PASSENGERS BY SCHEDULED CARRIERS DUE TO TIA STRIKE. NEITHER PANAM NOR TWA HERE INFORMED OF SUCH AUTHORIZATION FOR TEMPORARY PART CHARTERS, WHICH WOULD APPEAR REQUIRE SGAC APPROVAL. WE RECOMMEND CARRIERS -- AND EMBASSY, IF APPROPRIATE -- BE INSTRUCTED SOONEST NOTIFY SGAC OF THIS TEMPORARY EXCEPTION TO FILED SCHEDULED TARIFFS AND FRENCH CHARTER REGULATIONS.

1. DONDI, TIA REP, INFORMS US OF RECEIPT TELEX FROM HIS HOME OFFICE ADVISING OF CAB AUTHORIZATION FOR SCHEDULED CARRIERS TO TRANSPORT ON SCHEDULED FLIGHTS AT PRO-RATED CHARTER TARIFFS TIA OUTWARD BOUND AND RETURNING PASSENGERS AT PRO-RATED CHARTER TARIFFS UNTIL JULY 22. THEREAFTER ONLY TIA STRANDEES ARE TO BE TRANSPORTED UNDER THESE TERMS ON SCHEDULED FLIGHTS SO LONG AS TIA SERVICE REMAINS INTERRUPTED BY STRIKE.

2. WE ASKED WHETHER TIA AND US SCHEDULED CARRIERS PLANNED FORMALLY NOTIFY SGAC OF THIS AUTHORIZATION WHICH WOULD BE EXCEPTION TO CAB BAN ON PART CHARTERS WHICH WERE ALSO NOT EXPRESSLY AUTHORIZED UNDER LIMITED OFFICIAL USE

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FRENCH CIVAIR REGULATIONS. DONDI SAID TIA WOULD BE INFORMING MME.

THOMASSET OF SGAC AT NOON TODAY.

3. WE CHECKED WITH PANAM AND TWA AND FOUND THAT NEITHER HAS BEEN INFORMED OF CAB AUTHORIZATION. TWA TOLD US THAT AS OF A FEW DAYS AGO HOME OFFICE HAD AUTHORIZED THEM TO ACCEPT PASSAGE TIA STRANDEES RETURNING TO US BUT 24 HOURS LATER THIS WAS RESCINDED ON GROUNDS TIA TICKETS HAD NO RESIDUAL VALUE. TWA HAS SINCE CHECKED WITH PARIS HEADQUARTERS OF LARGE STUDENT TRAVEL ASSOCIATION THAT HAD CONTRACTED CHARTER WITH TIA AND LEARNED THAT TIA HAD REFUNDED CHARTER COST, THUS ENABLING PAYMENT TO TWA FOR ISSUANCE NEW TICKETS AT PRO-RATED COST. HENCE, TWA SEES NO REASON WHY OPERATION CANNOT RESUME SUBJECT RENEWED APPROVAL FROM HEADQUARTERS.

4. ASSUMING THAT TIA INFO ON CAB ACTION IS CORRECT, IT SEEMS TO US, AND WE HAVE SO INFORMED US CARRIERS, THAT WA AND PANAM SHOULD BE INSTRUCTED SOONEST BY THEIR HOME OFFICES TO FILE IMMEDIATE NOTIFICATION WITH SGAC OF THIS TEMPORARY EXCEPTION TO THEIR FILED TARIFFS FOR US-FRANCE SCHEDULED TRAFFIC, STRESSING EMERGENCY AND WHOLLY EXCEPTIONAL CIRCUMSTANCES JUSTIFYING THIS ACTION. (WE CONSIDER SGAC APPROVAL A FOREGONE CONCLUSION, ESPECIALLY SINCE, IF TIA INFO CORRECT, CAB AUTHORIZATION WOULD EXTEND TO ALL SCHEDULED CARRIERS, THUS INCLUDING AIR FRANCE.) FAILURE TO FILE NOTIFICATION WOULD PRESUMABLY EXPOSE CARRIERS TO CHARGE OF VIOLATING FILED TARIFFS, FRENCH CHARTER REGULATIONS, AND OF COURSE PROVISIONS OF US-FRANCE CIVAIR BI-LATERAL. MOREOVER, SINCE CARRIER'S ACTION WOULD BE TAKEN AS RESULT SPECIAL CAB AUTHORIZATION, SHOULD THERE BE ANY PARALLEL NOTIFICATION TO SGAC BY EMBASSY ON THIS MATTER?

5. EMBASSY CONCERN IS REALLY THREEFOLD. FIRST, WE WISH ENSURE PROPER RESPECT FOR FRENCH REGULATIONS. SECOND, WE WISH TO AVOID ANY LAST-MINUTE HITCH THAT COULD STRAND TIA PASSENGERS IN PARIS. AND THIRDLY, WE CONSIDER IT IMPORTANT TO RESPECT THE FORM IN OBTAINING SGAC AUTHORIZATION FOR THESE EXCEPTIONAL PART CHARTERS SINCE WE HAD LEARNED RECENTLY FROM SGAC SOURCE THAT SGAC HAS ON OCCASION AUTHORIZED TRANSPORT OF CARA GROUPS ON AIR FRANCE NORTH ATLANTIC SCHEDULED FLIGHTS AND WAS OFFERING ALSO AUTHORIZE FOR PANAM. EMBASSY WAS ON POINT OF REPORTING THIS INFO AND SUGGESTING CAB MIGHT WISH CONSIDER MONITORING CERTAIN AIR FRANCE (AND PANAM) ARRIVALS WHEN ABOVE-REPORTED TIA SITUATION CAME TO OUR ATTENTION. TO THE EXTENT THAT OVER THE LONGER-TERM IT MAY REMAIN OUR POLICY LIMITED OFFICIAL USE

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PAGE 03 PARIS 17482 181358Z

TO DISCOURAGE PART CHARTERS, WHICH COULD BRING US TO LOOK A LITTLE MORE CLOSELY INTO AIR FRANCE PRACTICES, IT OF COURSE BEHOOVES US NOT TO LEAVE OURSELVES OPEN TO CHARGES BY THE FRENCH THAT OUR CARRIERS WERE ILLICITLY (INsofar AS GOF CONCERNED) ENGAGED IN THE SAME PRACTICE, HOWEVER MUCH WE MIGHT ARGUE AFTER THE FACT OF THE URGENT AND JUSTIFIABLE BASIS FOR OUR TEMPORARY RECOURSE TO PART CHARTERS.

IRWIN

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